IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

Bail Appl..No. 5853 of 2007()

CMP.1461/2007 of J.M.F.C.-I, CHERTHALA
[CRIME NO.76/2007 OF CHERTHALA EXCISE RANGE]

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: PETITIONERS/ACCUSED NO.1 & 2

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1. BINS KUMAR, S/O.KUTTAPPAN,
PARAPPARAMBIL, KURUZUMMOODU,
VAZHAPPALLY PANCHAYAT, WARD NO.V,
CHANGANASSERY TALUK.

2. ANEESH, S/O.OUTHAKUTTY,
MANGATTU, VAZHAPPALLY PANCHAYAT,
CHANGANASSERY TALUK.

BY ADV. SRI.A.DINESH RAO

RESPONDENTS: STATE AND COMPLAINANT

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1. STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

2. THE EXCISE INSPECTOR,
CHERTHALA EXCISE RANGE.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.5853 of 2007

Dated this the 1st day of October 2007

O R D E R

Application for regular bail. The petitioners face allegations under the provisions of the Kerala Abkari Act. They are driver and cleaner of a lorry. They were allegedly engaged in the activity of illicit transportation of 850 litres of spirit on 13/8/2007 contrary to the provisions of the Kerala Abkari Act. They were arrested and continue in custody from 13/8/2007. They have no history of any criminal antecedents, submits the learned Public Prosecutor.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer on condition that the investigating officer is given the full complement of 60 days from the date of remand to complete the investigation and I am satisfied that regular bail can be granted to the petitioners subject to appropriate conditions.

3. In the result, this petition is allowed. The petitioners can now be enlarged on bail on the following terms and conditions:

i) The petitioners shall not be released on bail on the strength of this order prior to 13/10/2007. The investigating

officer shall, in the meantime, make every endeavour to complete the investigation.

ii) They shall execute bond for Rs.1,00,000/- (Rupees one lakh only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays, Wednesdays and Fridays for a period of three months from the date of their release and thereafter as and when directed by the investigating officer in writing to do so.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007